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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,132	03/17/2004	Matthew M. Tanzer	2160US	6137

22881 7590 08/24/2006

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EXAMINER

SRIVASTAVA, KAILASH C

ART UNIT PAPER NUMBER

1655

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No.

10/803,132

Examiner

Dr. Kailash C. Srivastava

Applicant(s)

TANZER ET AL.

Art Unit

1655


-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 21 November 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Responses to repeated telephone calls to attorneys of record and a fax (See attached Documents) to one of the attorney of record have not been received. The response to Office Action is more than 8 months overdue.



  
RALPH GITOMER  
PRIMARY EXAMINER  
GROUP 1200

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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# Fax Cover Sheet

**Date:** 19 Aug 2006

<b>To:</b> Mr. Eric J. Kron	<b>From:</b> Dr. Kailash C. Srivastava
<b>Application/Control Number:</b> 10/803,132	<b>Art Unit:</b> 1655
<b>Fax No.:</b> 919-485-0812	<b>Phone No.:</b> 571-272-0923
<b>Voice No.:</b> 919-425-3000	<b>Return Fax No.:</b> (571) 273-8300
<b>Re:</b> Response to Office Action mailed 12/21/2005-	<b>CC:</b>
<input checked="" type="checkbox"/> <b>Urgent</b> <input type="checkbox"/> <b>For Review</b> <input type="checkbox"/> <b>For Comment</b> <input type="checkbox"/> <b>For Reply</b> <input type="checkbox"/> <b>Per Your Request</b>	

**Comments:**

Mr. Eric J. Kron  
Icoria, Inc.  
108 T.W. Alexander Drive, Bldg. 1A; Post Office Box 14528  
Research Triangle Park, NC 27709  
Customer Number 22881

Dear Mr. Kron:

I have been calling you since end of July but I can never get through because there is no operator and the Answering Service asks to Put the Extension number by going through the company directory by name. As soon as I dial first letter (i.e., "K"), the machine responds, "this session is over". I have sent you another fax in regard to another application, but that fax was returned, "the fax can not be delivered". Please respond to this FAX. Thank you.

Examiner Srivastava

**Number of pages 1 including this page**

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